

AMENDED IN ASSEMBLY JANUARY 4, 2010

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 505

Introduced by Assembly Member Furutani

February 24, 2009

~~An act to add Section 9002.4 to, and repeal Section 9003 of, the Penal Code, relating to sex offenders. An act to amend Section 3003.5 of the Penal Code, relating to sex offenders.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 505, as amended, Furutani. Sex offenders: ~~monitoring and~~ housing.

Existing law prohibits any person released on parole after having served a term of imprisonment in state prison for an offense requiring registration as a sex offender from living in a single family dwelling, as defined, with any other person also required to register as a sex offender during the period of parole, unless those persons are related by blood, marriage, or adoption.

This bill would prohibit any person released on parole after having served a term of imprisonment in state prison for an offense requiring registration as a sex offender from living in multifamily housing in a unit with any other person also required to register as a sex offender during the period of parole, unless those persons are related by blood, marriage, or adoption.

The bill would also prohibit any person released on parole after having served a term of imprisonment in state prison for an offense requiring registration as a sex offender from living in a hotel or motel

room with any other person also required to register as a sex offender during the period of parole, unless those persons are related by blood, marriage, or adoption. The bill would prohibit the Department of Corrections and Rehabilitation from placing parolees required to register as sex offenders in more than 10% of the rooms in a hotel or motel.

~~Existing law establishes the Sex Offender Management Board, as specified, under the jurisdiction of the Department of Corrections and Rehabilitation, the purpose of which is to address issues, concerns, and problems related to the community management of the state's adult sex offenders, with a goal of safer communities and reduced victimization, as specified. The provisions relating to the creation and regulation of the board are scheduled to remain effective only until January 1, 2010.~~

~~This bill would delete the repeal date of January 1, 2010, thereby making the provisions relating to the Sex Offender Management Board operative indefinitely. The bill would require the Sex Offender Management Board to conduct a thorough assessment of (1) the increasing number of unmonitored transient adult sex offenders residing in California communities, and (2) the increasing clustering of the housing of adult sex offenders residing in California communities, and provide a report and plan with recommendations to the Legislature and the Governor, as specified.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3003.5 of the Penal Code is amended to
2 read:
3 3003.5. (a) Notwithstanding any other provision of law, when
4 a person is released on parole after having served a term of
5 imprisonment in state prison for any offense for which registration
6 is required pursuant to Section 290, that person ~~may~~ shall not,
7 during the period of parole, reside in any single family dwelling
8 with any other person also required to register pursuant to Section
9 290, unless those persons are legally related by blood, marriage,
10 or adoption. For purposes of this section, "single family dwelling"
11 shall not include a residential facility which serves six or fewer
12 persons.

1 (b) Notwithstanding any other provision of law, when a person
2 is released on parole after having served a term of imprisonment
3 in state prison for any offense for which registration is required
4 pursuant to Section 290, that person shall not, during the period
5 of parole, reside in multifamily housing in a unit with any other
6 person also required to register pursuant to Section 290, unless
7 those persons are legally related by blood, marriage, or adoption.

8 (c) (1) Notwithstanding any other provision of law, when a
9 person is released on parole after having served a term of
10 imprisonment in state prison for any offense for which registration
11 is required pursuant to Section 290, that person shall not, during
12 the period of parole, reside in a hotel or motel room with any other
13 person also required to register pursuant to Section 290, unless
14 those persons are legally related by blood, marriage, or adoption.

15 (2) The Department of Corrections and Rehabilitation shall
16 limit the placement of parolees required to register pursuant to
17 Section 290 in a hotel or motel to no more than 10 percent of the
18 rooms in that hotel or motel.

19 ~~(b)~~

20 (d) Notwithstanding any other provision of law, it is unlawful
21 for any person for whom registration is required pursuant to Section
22 290 to reside within ~~2000~~ 2,000 feet of any public or private school,
23 or park where children regularly gather.

24 ~~(e)~~

25 (e) Nothing in this section shall prohibit municipal jurisdictions
26 from enacting local ordinances that further restrict the residency
27 of any person for whom registration is required pursuant to Section
28 290.

29 SECTION 1. ~~Section 9002.4 is added to the Penal Code, to~~
30 ~~read:~~

31 ~~9002.4. The board, in addition to any other duty specified in~~
32 ~~Section 9002, shall do the following:~~

33 ~~(a) Conduct a thorough assessment of (1) the increasing number~~
34 ~~of unmonitored transient adult sex offenders residing in California~~
35 ~~communities, and (2) the increasing clustering of the housing of~~
36 ~~adult sex offenders residing in California communities. A report~~
37 ~~on the findings of this assessment shall be submitted to the~~
38 ~~Legislature and the Governor by January 1, 2012.~~

39 ~~(b) Develop recommendations, based upon the findings in the~~
40 ~~assessment, to improve management practices of adult sex~~

1 offenders under supervision in the community, with the goal of
2 improving community safety. The plan shall address all significant
3 aspects of community management including supervision,
4 treatment, housing, transition to the community, interagency
5 coordination, and the practices of other entities that directly or
6 indirectly affect the community management of sex offenders. The
7 board shall provide information to the Legislature and the Governor
8 as to its progress by January 1, 2013. The completed plan shall be
9 submitted to the Legislature and the Governor by January 1, 2014.
10 (e) The board shall conduct public hearings, as it deems
11 necessary, to provide opportunities for gathering information and
12 receiving input regarding the work of the board from concerned
13 stakeholders and the public.
14 SEC. 2. Section 9003 of the Penal Code is repealed.